



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.
County Superintendent of Schools

Letter of Appeal, CC Docket No. 02-6
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Letter of Appeal for CC Docket No. 02-6 seeking a waiver of the invoice deadlines for the Santa Clara County Office of Education (SCCOE), to be able to extend the invoice deadlines for several FRNs of Form 471 application 161057775, FRNs:

TABLE A:

	1699134500	1699134627
1699134550	1699134529	1699134592
1699134501	1699134512	1699134587
1699134518	1699134543	1699134609
1699134503	1699134582	1699134601
1699134561	1699134605	1699134600

The SCCOE filed an FCC waiver on June 13, 2018 requesting for the Commission to waive their rule regarding the single one-time 120-day extension of the invoicing deadline established in the E-rate Modernization Order³ (See Exhibit 1, SCCOE FCC Appeal Waiver Invoice Deadlines.docx). SCCOE received a Memo letter from the FCC dated August 3, 2018 indicating that the request for waiver was denied. We are now seeking reconsideration for review by the full commission.

The Santa Clara County Office of Education (SCCOE) submitted AT&T's required documentation to facilitate the discounts for each of the FRNs listed above. This required documentation was submitted well before the invoicing deadline of October 28, 2017, however unbeknownst to us, AT&T was unable to open the documents due to a new service of SCCOE's email server automatically encrypting the documents. The SCCOE was not aware that the email had been encrypted nor that AT&T had been unable to open the documents. SCCOE was completely unaware that AT&T was unable to open the documents that are necessary to apply the E-rate discounts.

As soon as SCCOE learned that AT&T had not processed the FY 2016 discounts we checked the invoice deadlines and for any invoice deadline extension for the FRNs filed. We saw that the invoice deadline for the FRNs had passed and checked the USAC website for guidance on invoice deadline extension. Since it was past the invoicing deadline and was more than 120 days past either the last date of service or the Form 486 notification, we did not submit for an invoice deadline extension from



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USAC because the USAC guidance indicated we must first submit a waiver request to the Federal Communications Commission (FCC). The guidance indicated the FCC must grant your waiver request before USAC can extend the invoice deadline. Santa Clara County Office of Education had filed the correct documentation well within the invoice deadline of 10/28/2017 in order to receive their discounts.

However, the E-rate Modernization Order³ codified that only a single one time invoice was allowed as long as the extension request is made no later than what would otherwise be the deadline for submitting invoices. Since SCCOE was unaware that the service provider did process the required documentation to facilitate their discounts, we turned to the FCC to file a waiver of the Commission's rules. Santa Clara County Office of Education was proactive from the start to ensure that the discounts that they were approved for were actually received. Below is a timeline of events related to the 2016 AT&T Invoicing Issue.

6/30/2017 at 10:43am, The FCDL for Form 471 Application 161057775 was issued by USAC on 6/20/2017. Form 471 161057775 FCDL (See Exhibit 2, Y19 FCC Form 471 - 161057775 - FCDL - SANTA CLARA CO OFFICE OF EDUCATION.xlsx) contained all of the FRNs listed in the above Table A.

6/30/2017 at 11:35am, SCCOE sent an email to AT&T's E-rate discount processing center referred to as "FUSF" email address fusfcenter@att.com requesting that they send the documentation that they require to have completed by the applicant in order to apply E-rate discounts to the bills. AT&T's "Welcome Packet" includes the "existing services list", "certification page", and "growth page". These forms are updated by the customer (SCCOE) to ensure all of the accounts that are to receive E-rate discounts are present and assigned to the correct Funding Request Numbers. (See Exhibit 3 SCCOE email ATT FUSF) AT&T requires that the completed documentation is sent to them by June 30 of the funding year otherwise they will not make the Invoice Deadline. AT&T's process is that they send the Welcome Packet including all required documentation once USAC issues the FCDL. The FCDL was not issued until 6/30/2017, AT&T did not automatically send the documentation in a "Welcome to E-Rate Funding Year 2016 (YR 19) SPIN 143002665" email. However, since we knew AT&T's internal timeline and had not received the documentation, we proactively requested the documentation from AT&T to ensure that all required information was returned in plenty of time..

6/30/2017 at 11:37am, we received an automated email notification from AT&T that they had received my request for documentation. (See Exhibit 3 SCCOE email ATT FUSF)

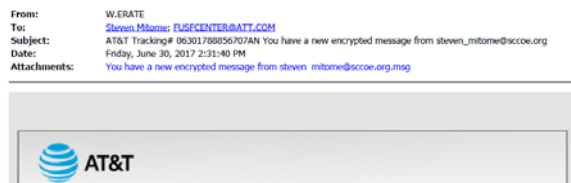


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6/30/2017 at 2:30pm, we had waited until 2:15pm for AT&T to respond with the documents in the Welcome Packet. Since we did not receive the attachments from AT&T's FUSF we updated the prior year's documents so that we could get discounts processed. The completed existing services list, certification page, and growth page that we modified from previous years documents and merely revised with current years information was emailed to fusfcenter@att.com. with the current year's documentation, but since they did not send it, I created my own to submit to AT&T. sent email request to AT&T's E-rate processing department fusfcenter@att.com to request that they send me the forms they require in order to facilitate discounts. AT&T's Welcome Packet includes the "existing services list", "certification page", and "growth page". These forms are updated by the customer (SCCOE) to ensure all of the accounts that are to receive E-rate discounts are present and to assign the accounts to the correct Funding Request Numbers. The existing services list that AT&T's FUSF sends out is typically the prior funding year's account information. Again, since we did not receive the Welcome Packet for FY 2016 we modified prior year's documents with FY 2016 and submitted (See Exhibit 4 encrypted message to FUSF)

6/30/2017 at 2:32pm, received automated email notification from AT&T that they had received my email with the existing services list, certification page, and growth page, including a tracking number. I did not notice that the response showed they had received an encrypted email . Excerpt from See Exhibit 4 AT&T Tracking auto reply



Our system had automatically encrypted the email I had sent to fusfcenter@att.com because as it had mistaken an account number for either a credit card or social security number. This was a new protection that had been incorporated into our email system. The encrypted email come with instruction on how to open the encrypted message. The email was encrypted without notifying the sender (SCCOE) that it was encrypted. AT&T never performed any outreach to notify SCCOE that they were unable to access the attachments provided due to the encryption. The applicant completed the forms that AT&T required in order to apply discounts. The confirmation email from AT&T clearly provides assurance that the email was in fact received. (See Exhibit 4 AT&T Tracking auto reply)



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6/7/2018 request from AT&T via email to fusfcenter@att.com, the Welcome Packet including the existing services list, certification page, and growth page for Funding Year 2017 because again they had not been sent to us.

6/11/2018 Cindy Horgan from AT&T's FUSF Center emails us the 2017 documentation which is immediately completed and sent back to AT&T at 5:26pm the same day.

6/12/2018 Cindy Horgan calls us to say she was unable to open the 2017 documentation we emailed to her because it was encrypted and she was unable to unencrypt it. While discussing the encryption with her, we discover that AT&T had not invoiced for 2016 because that documentation had also been encrypted.

6/13/2018 after researching USAC website and checking invoice deadlines, filed an appeal with FCC for waiver on Invoicing Deadline for 2016 AT&T Invoicing.

The SCCOE submitted all of the documentation necessary to process discounts within both the service provider's internal deadlines and E-rate's deadlines. Due to a technological error the invoicing was not completed by the service provider which was unbeknownst to SCCOE. Santa Clara County Office of Education requests that the full Commission reconsider our waiver request and allow the SCCOE to obtain the E-rate funding it so richly needs.

Sincerely,

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¹ Billed Santa Clara County Office of Education Billed Entity Number (BEN) is 144333

² This Petition for Reconsideration by the full Commission is timely filed in accordance with Commission's Rules 47 CFR 1.106, 1.115 within 30 days of the denial of the USAC appeal – Dated July 31, 2018

³ See *Modernization the E-rate Program for Schools and Libraries, Order, Schools and Libraries Universal Support Mechanism, CC Docket 13-184*, para. 238-242